

J. Henk Taylor (016321)
RYAN RAPP & UNDERWOOD, P.L.C.
3200 N. Central Ave, Suite 2250
Phoenix, Arizona 85012
Telephone: (602) 280-1000
Facsimile: (602) 265-1495
E-Mail: htaylor@rrulaw.com

6 Jeffrey M. Eilender (*admitted pro hac vice*)
7 Bradley J. Nash (*admitted pro hac vice*)
8 Joshua Wurtzel (*admitted pro hac vice*)
SCHLAM STONE & DOLAN LLP
26 Broadway
9 New York, New York 10004
10 Telephone: (212) 344-5400
Facsimile: (212) 344-7677
11 E-Mail: jeilender@schlamstone.com
E-Mail: bnash@schlamstone.com
12 E-Mail: jwurtzel@schlamstone.com

*Attorneys for Plaintiffs CWT Canada II
Limited Partnership and Resource Recovery
Corporation*

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

18 CWT CANADA II LIMITED
19 PARTNERSHIP, an Ontario, Canada
20 Limited Partnership; and RESOURCE
RECOVERY CORPORATION, a Delaware
Corporation.

Plaintiffs.

V.

23 ELIZABETH J. DANZIK, an individual; and
24 DEJA II, LLC, an Arizona Limited Liability
Company

Defendants

And related claims

Case Nos.: 2:16-cv-00607-PHX-DGC
2:16-cv-02577-PHX-DGC

CWT PARTIES' UNOPPOSED MOTION TO CONTINUE TRIAL

Oral Argument Requested

(First Request)

1 Plaintiffs CWT Canada II Limited Partnership and Resource Recovery Corporation
2 (collectively, the “CWT Parties”) file this unopposed motion to continue the trial in this
3 action to later in 2019, subject to this Court’s availability. This motion is supported by the
4 following memorandum of points and authorities. Defendants’ counsel have stated that
5 they do not oppose this motion.

7 **MEMORANDUM OF POINTS AND AUTHORITIES**

8 On February 4, 2019, this Court scheduled trial in this matter to begin on August 6,
9 2019, and continue for a total of eight days on August 6-9 and 13-16, 2019. Dkt. No. 180
10 ¶¶ 1-2.

11 We recently learned, however, that the principal of Plaintiff CWT Canada II
12 Limited Partnership, Jean Noelting, will be on a business trip in Asia during the time this
13 trial is scheduled. This trip was planned well before the trial was scheduled, and it would
14 be a significant hardship to Mr. Noelting for the trip to be rescheduled (if it even could
15 be). We did not know about this scheduling conflict when the Court scheduled this case
16 for trial.
17

18 We expect Mr. Noelting to be called as a witness by some or all the parties at trial,
19 and his absence at trial would prejudice the CWT Parties.

20 While we know the Court’s schedule is extremely busy, we respectfully request
21 that the Court continue this trial to accommodate Mr. Noelting. Plaintiffs and their
22 counsel are available for trial any time after Labor Day (counsel has vacation plans at the
23 end of August) through December 20, 2019, with the exception of September 9-25 (when
24 counsel has other trials and professional obligations scheduled), September 30 and
25 October 1 (Jewish holiday of Rosh Hashanah), October 8 and 9 (Jewish holiday of Yom
26 Kippur), and October 13-20 (Jewish holiday of Sukkot).

27 This is the CWT Parties’ first (and will be their only) request for a continuance of
28

this trial. And Defendants' counsel have stated that they do not oppose this motion.

CONCLUSION

We respectfully ask this Court to continue the trial in this action to any time after Labor Day through December 20, 2019—with the exception of September 9-25 or 30, or October 1, 8-9, or 13-20—and to continue the outstanding pretrial deadlines (including the final pretrial conference and deadlines for the Proposed Final Pretrial Order, motions *in limine*, and the other pretrial filings in paragraph ten of the Court’s February 4, 2019 order (Dkt. No. 180)) accordingly.

1 Dated: June 5, 2019
2 Phoenix, Arizona

3 Respectfully submitted,

4 **RYAN RAPP & UNDERWOOD, P.L.C.**

5 By: /s/ Henk Taylor (016321)
6 J. Henk Taylor (016321)
7 3200 N. Central Ave., Suite 1600
8 Phoenix, Arizona 85012
9 Telephone: (602) 280-1000
Facsimile: (602) 265-1495
E-Mail: htaylor@rrulaw.com

10 **SCHLAM STONE & DOLAN LLP**

11 Jeffrey M. Eilender
12 Bradley J. Nash
13 Joshua Wurtzel
14 26 Broadway
15 New York, New York 10004
16 Telephone: (212) 344-5400
17 Facsimile: (212) 34407677
E-Mail: jeilender@schlamstone.com
E-Mail: bnash@schlamstone.com
E-Mail: jwurtzel@schlamstone.com

18 *Attorneys for Plaintiffs CWT Canada II Limited*
19 *Partnership and Resource Recovery*
20 *Corporation*

21
22
23
24
25
26
27
28

1 **ORIGINAL e-filed and COPIES**

2 e-mailed this 5th day of June, 2019 as
3 follows:

4 Dennis I. Wilenchik

5 Tyler Swensen

6 Victoria Stevens

7 **WILENCHIK & BARTNESS P.C.**

8 2810 North Third Street

9 Phoenix, AZ 85004

10 diw@wb-law.com

11 tylers@wb-law.com

12 victorias@wb-law.com

13 admin@wb-law.com

14 Leo R. Beus

15 **BEUS GILBERT PLLC**

16 701 North 44th Street

17 Phoenix, AZ 85008

18 lbeus@beusgilbert.com

19 *Attorneys for Defendants Tony Ker, Richard
20 Carrigan, Elizabeth J. Danzik, and Danzik
21 Applies Sciences, LLC*

22 /s/ Henk Taylor

23 J. Henk Taylor

24

25

26

27

28